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The Commonwealth of Massachusetts

EXECUTIVE PROCLAMATIONS

AND

WAR LEGISLATION

18-23-24
JUNE, 1917

Printed under the direction of
THE SECRETARY OF THE COMMONWEALTH



BOSTON
WRIGHT & POTTER PRINTING CO., STATE PRINTERS
32 DERNE STREET
1917



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The Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY,
BOSTON, June 23, 1917.

The executive and legislative acts of the Commonwealth of Massachusetts during the momentous days attending upon the entry of the United States of America into the World War are deemed to be of sufficient general and historical interest to warrant their publication in a separate pamphlet.

The legislation herein contained was enacted at the session of the General Court for the present year, based upon messages of the Governor and to some extent suggested by the Massachusetts Committee on Public Safety. This committee, composed of one hundred public-spirited citizens, is a volunteer, extra-statutory organization, which was appointed by His Excellency Governor Samuel W. McCall to give advice and render assistance to him in meeting the many problems and emergencies which arose because of existing war conditions.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.



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EXECUTIVE PROCLAMATIONS AND WAR LEGISLATION.

EXECUTIVE PROCLAMATIONS.

The Commonwealth of Massachusetts.

BY HIS EXCELLENCY SAMUEL W. MCCALL, GOVERNOR.

PROCLAMATION FOR THE ENCOURAGEMENT OF FOOD PRODUCTION AND CONSERVATION.

The Commonwealth is faced with grave uncertainty regarding its food supply during the war period. Very much less than half the food we consume is produced within the limits of Massachusetts and we must rely upon the surplus of other states. The smaller that surplus, the greater the threat of scarcity to us, and even if the supply were adequate our transportation system is already heavily taxed and it is likely to be put under a still greater strain by the needs of war. Common prudence requires that we should utilize our own lands to the utmost in the production of our food. We shall have only ourselves to blame if want shall come upon us when we have not employed to the utmost the resources that nature has given us. Many will be called upon either to serve in actual warfare or to prepare themselves for it, but to many others that privilege will be denied. All, however, are given the privilege of serving in some capacity, and very real service can be rendered in the growing of food stuffs and in their conservation. There are many thousands of acres of land in our Commonwealth capable of cultivation which are untilled or are not permitted to do the

full amount of work for us that they are willing to do. There will be few of our people, excepting the soldiers, who will not be able to help in raising food. Whatever one's occupation, he will be able to find recreation and health in tilling the soil. At the same time he will confer a very solid benefit not only upon himself but upon those who live about him. Great quantities of food may be raised if we shall multiply the number of gardens and shall bring into cultivation small plots which are now practically waste and produce little or nothing. We need not trench upon the pastures and the other fields necessary for the feeding of our stock. I urge that our farmers increase as much as they are able to do the production of food stuffs, and that all of those who are not farmers strive to secure the use of small tracts of land which will reward intelligent labor by a generous yield of foods. And I urge that all of us avoid the waste of food which under our ordinary habits of living has become very great and which sooner or later will lead to its natural penalty, which is want.

Dr. Kenyon L. Butterfield, the President of the State Agricultural College, can be reached by letter at the Committee on Public Safety, State House, Boston, and full information concerning the character of seeds and method and time of planting may be procured from him.



WITNESS, His Excellency the Governor, at Boston, this sixth day of April, in the year of Our Lord one thousand nine hundred and seventeen, and of the Independence of the United States of America the one hundred and forty-first.

SAMUEL W. McCALL.

By His Excellency the Governor.

ALBERT P. LANGTRY,

Secretary of the Commonwealth.

God Save the Commonwealth of Massachusetts.

The Commonwealth of Massachusetts.

BY HIS EXCELLENCY SAMUEL W. MCCALL, GOVERNOR.

A PROCLAMATION.

Whereas, the display of the flag or emblem of a foreign country upon the outside of a State, County, City or Town building or public schoolhouse is forbidden by law except upon the occasion of a visit of a citizen of such foreign country as a guest of the United States or this Commonwealth.

Pursuant to law I hereby make proclamation calling for and authorizing the display of the flags of the French Republic upon State, County and Municipal buildings during the coming visit to this Commonwealth of M. Viviani and le Maréchal Joffre and their colleagues of the French Commission to the United States.

In addition I urge that residents, merchants and business houses of all cities to be visited by the Commission as far as in their power do honor to our distinguished guests during their stay in Massachusetts by displaying the flags of this country and the French Republic.



Given at the Executive Chamber in Boston, this eighth day of May, in the year of Our Lord one thousand nine hundred and seventeen, and of the Independence of the United States of America the one hundred and forty-first.

SAMUEL W. MCCALL.

By His Excellency the Governor.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

God Save the Commonwealth of Massachusetts

The Commonwealth of Massachusetts.

BY HIS EXCELLENCY SAMUEL W. MCCALL, GOVERNOR.

A PROCLAMATION.

Whereas, the President of the United States, acting under authority of an Act of Congress of May 18, 1917, entitled "An act to authorize the President to increase temporarily the military establishment of the United States," has by proclamation of the same date called upon all males who shall have attained their twenty-first birthday and who shall not have attained their thirty-first birthday on or before the fifth day of June, 1917, to appear and register between the hours of 7 A.M. and 9 P.M. on said fifth day of June at the registration place in the precinct wherein they have their permanent homes, excepting only officers and enlisted men of the Regular Army, the Navy, the Marine Corps and the National Guard and Naval Militia while in the service of the United States, and officers in the Officers' Reserve Corps and enlisted men in the Enlisted Reserve Corps while in active service; and,

Whereas, the President has by rules and regulations promulgated on the same day called upon the Governors of the several States and Territories to supervise the execution of the registration and draft provided for by said act, and to appoint boards of registration in towns and in cities of less than thirty thousand inhabitants within their respective territories;

Now therefore, I, Samuel W. McCall, Governor of the Commonwealth, do hereby proclaim that all appointments of boards of registration heretofore made by me in towns and in cities of less than thirty thousand inhabitants are hereby ratified and confirmed.

And I hereby bring to the attention of the mayors of the cities of thirty thousand or more inhabitants that the duty rests upon them of appointing boards of registration in their respective cities.

The executive officer of each board of registration in towns and in cities of less than thirty thousand inhabitants is hereby directed to provide a suitable place for registration in each voting precinct within his jurisdiction.

And the mayors of cities of thirty thousand or more inhabitants are hereby called upon to provide a suitable place for registration in each voting precinct in their respective cities.

And I do hereby notify the wardens, superintendents, jailers and other officers in charge of the State Prison, houses of correction, reformatory prisons and other penal institutions that they are charged with the registration on the day set for registration of the inmates of such institutions who are required to register.

And I do hereby admonish all male persons, resident in Massachusetts, who shall have attained their twenty-first birthday and who shall not have attained their thirty-first birthday on the fifth day of June, 1917, except as aforesaid, to appear on said day at the registration place in their respective precincts and there to register, in accordance with the proclamation of the President of May 18, 1917.

Attention is called to the fact that section 5 of said Act of Congress provides that any person who shall wilfully fail or refuse to present himself for registration, or to submit thereto, as therein provided, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not more than one year, and shall thereupon be duly registered.

And I hereby call upon all police officers within the Commonwealth to assist to the best of their ability the officers charged with the duty of conducting the registration and to report without delay to the proper registration boards the names of any persons known by them to have failed to register themselves when liable to do so.

This process of registration has been established by the National Congress as a means of securing the lists out of which are to be drawn the armies of the country in a great war. I deem it of the utmost importance that the registration in the Commonwealth shall be conducted in an orderly and efficient manner, in order that our registration may be made as nearly complete as possible on the day fixed by the President's

proclamation, to the end that Massachusetts may now as always heretofore be found in the front rank among the States in responding to the calls that are made by the Nation in its time of peril.

I therefore urge all the people of the Commonwealth to co-operate so far as they are able and assist the officers who have in charge the preparation of the registration lists.



Given at the Executive Chamber at Boston, this twenty-first day of May in the year of Our Lord one thousand nine hundred and seventeen, and of the Independence of the United States of America the one hundred and forty-first.

SAMUEL W. McCALL.

By His Excellency the Governor.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

God Save the Commonwealth of Massachusetts

The Commonwealth of Massachusetts.

BY HIS EXCELLENCY SAMUEL W. McCALL, GOVERNOR.

A PROCLAMATION.

Whereas, the display of the flag or emblem of a foreign country upon the outside of a State, County, City or Town building or public schoolhouse is forbidden by law except upon the occasion of a visit of a citizen of such foreign country as a guest of the United States or this Commonwealth,

Pursuant to law I hereby make proclamation calling for and authorizing the display of the flags of the Kingdom of Italy upon State, County and Municipal buildings during the coming visit to this Commonwealth of the Prince of Udine and his colleagues of the Italian War Mission to the United States.

In addition I urge that residents, merchants and business houses of all the communities to be visited by the Mission as far as in their power do honor to our distinguished guests during their stay in Massachusetts by displaying the flags of this country and the Kingdom of Italy.



Given at the Executive Chamber in Boston, this twenty-first day of June in the year of Our Lord one thousand nine hundred and seventeen, and of the Independence of the United States of America the one hundred and forty-first.

SAMUEL W. McCALL.

By His Excellency the Governor.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

God Save the Commonwealth of Massachusetts

WAR LEGISLATION.

I. THE COMMONWEALTH DEFENCE ACT.

GENERAL ACTS, CHAPTER 342.

AN ACT TO PROVIDE FOR THE BETTER DEFENCE OF THE COMMONWEALTH IN TIME OF WAR.

Be it enacted, etc., as follows:

SECTION 1. During the continuance of the existing state of war between the United States and any foreign country in order to provide for the safety, defence and welfare of the commonwealth and for the discharge of its duties toward the national defence as one of the United States the provisions of this act shall be and remain of full force and effect, but except as herein otherwise expressly provided shall cease to operate on the termination of the said state of war.

SECTION 2. The governor with the advice and consent of the council may by proclamation require subjects or citizens above the age of eighteen years of any country with which the United States is at war, or if in his opinion the public safety so demands, of all foreign countries, to appear before such public authorities within such time as he may designate and personally register with such public authorities his or her name, residence, business, past and intended stay within the commonwealth, and such other information as the governor may prescribe.

SECTION 3. The governor with the advice and consent of the council may from time to time issue regulations (a) governing the manner of registration and the procedure in connection therewith, and the keeping and custody of records and access thereto, but such records shall only be open to inspection by public officials acting under official authority and not to any private person, corporation, organization or agency, (b) requiring further information from time to time by persons registered in accordance with the provisions of section two of this act and requiring such reports as he may deem advisable by keepers of hotels, inns or lodging-houses and other persons furnishing lodging to or harboring persons, and (c) imposing

conditions or restrictions on the movements of persons registered or required to be registered: *provided, however*, that nothing herein contained shall be deemed to authorize any restriction or infringement of rights granted them by the constitution of the United States or by federal authority.

SECTION 4. Any person against whom a prosecution has been brought under this act who shall decline to testify as to whether he is a citizen or a subject of any foreign state, the citizens or subjects of which are required to register by proclamation of the governor under this act, may be required to register and to observe such other regulations as the governor with the advice and consent of the council may prescribe.

SECTION 5. Any person failing to register or to give information in compliance with the terms of any proclamation or regulations issued by the governor in pursuance of sections two, three and four of this act, or otherwise failing to comply with the terms of such proclamation or regulations shall upon conviction be punished by a fine not exceeding one thousand dollars, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment.

SECTION 6. Whenever the governor shall believe it necessary or expedient for the purpose of better securing the public safety or the defence or welfare of the commonwealth, he may with the approval of the council take possession:

(a) Of any land or buildings, machinery or equipment.

(b) Of any horses, vehicles, motor vehicles, aeroplanes, ships, boats, or any other means of conveyance, rolling stock of steam or electric railroads or of street railways.

(c) Of any cattle, poultry and any provisions for man or beast, and any fuel, gasoline or other means of propulsion which may be necessary or convenient for the use of the military or naval forces of the commonwealth or of the United States, or for the better protection or welfare of the commonwealth or its inhabitants. He may use and employ all property so taken possession of for the service of the commonwealth or of the United States, for such times and in such manner as he shall deem for the interests of the commonwealth or its inhabitants, and may in particular, when in his opinion the public exigency so requires, sell or distribute gratuitously to or among

any or all of the inhabitants of the commonwealth anything taken under clause (c) of this section and may fix minimum and maximum prices therefor. He shall, with the approval of the council, award reasonable compensation to the owners of any property of which he may take possession under the provisions of this section and for its use, and for any injury thereto or destruction thereof caused by such use.

SECTION 7. Any owner of property of which possession has been taken under section six of this act, to whom no award has been made, or who is dissatisfied with the amount awarded him by the governor and council as compensation, may file a petition in the superior court to have the amount to which he is entitled by way of damages determined. Either the petitioner or the commonwealth shall have the right to have the amount of such damages fixed by a jury in the said court upon making claim in such manner as the court may have provided or shall provide by its rules.

SECTION 8. The petition provided for by section seven of this act may be filed either in the county in which the petitioner lives or has his usual place of business, if the petitioner either lives or has a usual place of business in the commonwealth, or otherwise in the county of Suffolk. The petition shall be brought within one year after the date when possession of the property was taken under section six of this act, and except as is otherwise provided herein, shall be heard and determined in accordance with the provisions of chapter two hundred and one of the Revised Laws and all acts in amendment thereof or in addition thereto.

SECTION 9. Upon such petition full damages shall be awarded whether or not the same had fully accrued at the time of the filing of the petition, and, whenever necessary, the hearing on the petition shall on the application of either the petitioner or the commonwealth be continued for assessment of damages until the same are fully ascertained.

SECTION 10. Any members of the home guard as established by chapter one hundred and forty-eight of the General Acts of the year nineteen hundred and seventeen, shall with respect to their powers and liabilities be deemed to be a part of the military forces of the commonwealth.

SECTION 11. The governor shall have full power and authority to co-operate with the federal authorities and with the governors of other states in matters pertaining to the common defence, and with the military and naval forces of the United States and of the other states. In particular the governor is hereby authorized upon request evidenced by duly authenticated vote of the Council of National Defence to provide for the taking of a census of the men and resources of the commonwealth, and generally to take any such measures as he may deem proper to carry into effect any request of the said Council of National Defence evidenced as aforesaid.

SECTION 12. Whenever the governor shall determine that circumstances warrant the exercise by him of all or any of the powers conferred on him by this act, he may, with the approval of the council, by writings signed by him, confer upon such officials of the commonwealth or any political division thereof, or such officer of the military or naval forces of the commonwealth, or such other person or persons as he may select, full power and authority to do in his name whatever may be necessary to carry the said powers into effect. He may revoke such written authority at any time.

SECTION 13. Affidavits and commissions to take the deposition of any person without this commonwealth engaged in the military service of the United States, may be executed before and by any officer in the said service above the rank of lieutenant; and of any person engaged in the naval service of the United States, before any officer in that service above the rank of ensign; and affidavits and depositions of such persons so taken, if otherwise taken in accordance with law, shall be received and may be used in evidence, or for any other purpose, in the same manner as if taken before a commissioner of this commonwealth appointed to take depositions in other states.

SECTION 14. The deed of any person without this commonwealth for the conveyance of real estate within this commonwealth, or for any other purpose, powers of attorney and other instruments may, if such person is engaged in the military service of the United States, be acknowledged before any officer in that service above the rank of lieutenant; and if such person is engaged in the naval service of the United States,

before any officer in that service above the rank of ensign; and deeds, powers of attorney and other instruments so acknowledged may be used and recorded in this commonwealth in the same manner as if taken before a commissioner of this commonwealth.

SECTION 15. For the purposes aforesaid the officers above named shall have the same power and authority as commissioners of this commonwealth, to administer oaths and take the depositions, affidavits and acknowledgments of persons in the military or naval service of the United States, in accordance with the provisions of sections fourteen and fifteen of this act.

SECTION 16. Sections thirteen, fourteen and fifteen of this act shall remain in force while the United States is at war and six months thereafter.

SECTION 17. The time of the absence from the commonwealth of any person engaged in the military or naval service of the United States, shall not be taken as part of the period limited for the prosecution of actions by such person: *provided*, that nothing herein contained shall have the effect of extending said period more than six months after the discharge of such person from the service of the United States, or after the termination of the war, whichever shall first occur.

SECTION 18. When judgment shall have been rendered upon the default of any defendant absent from the commonwealth in the military or naval service of the United States as aforesaid, such defendant may, within six months after his discharge from that service, or after the termination of the war, whichever shall first occur, as of right and without any petition therefor, take a writ of review out of the court in which the judgment was rendered, in manner and form as provided by law.

SECTION 19. Whenever in any suit it shall be made to appear to the court that any defendant is absent from the commonwealth in the military or naval service of the United States, as aforesaid, the court may in its discretion, order the suit to be continued as to such defendant without costs to either party; and if in such suit any person be summoned as trustee of such defendant, so absent as aforesaid, or a person summoned in any suit as trustee be so absent as aforesaid, the court may also in

its discretion suspend the proceedings against such alleged trustee without costs to either party: *provided*, that no such continuance shall be allowed beyond the period of six months after the discharge of such principal defendant or alleged trustee from the service of the United States, or after the termination of the war, whichever shall first occur.

SECTION 20. None of the provisions of sections seventeen to nineteen, inclusive, of this act shall be deemed to apply to any case in which an executor or administrator is party, either plaintiff or defendant.

SECTION 21. In any criminal case the court having jurisdiction thereof may in its discretion and if, in the opinion of the court, the public safety and defence of the commonwealth so require, refuse to admit the defendant to bail; and all laws inconsistent herewith are hereby suspended during the continuance of the state of war: *provided, however*, that this section shall not apply to any defendant who is engaged in the military or naval service of the United States.

SECTION 22. Whoever constructs, assembles, puts together, places or plants, or causes to be constructed, assembled, put together, placed or planted, any substances or objects in imitation of any explosive, bomb, or shell, or whoever with intent to intimidate any person or persons, or with intent to place or plant the same has any such substances or objects in imitation of any explosive, bomb, or shell, in his possession, or whoever with intent to intimidate or frighten any person or persons falsely states or in any way causes it to be stated or rumored falsely that any explosive, bomb, or shell, is to be or may be exploded unlawfully, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 23. Whenever the governor, with the advice and consent of the council, shall determine that an emergency has arisen in regard to the cost, supply, production, or distribution of food or other necessities of life in this commonwealth, he may ascertain the amount of food, or other necessities of life within the commonwealth; the amount of land and labor available for the production of food; the means of producing within or of obtaining without the commonwealth food or other neces-

saries of life as the situation demands; and the facilities for the distribution of the same, and may publish any data obtained relating to the cost or supply of such food or other necessities, and the means of producing or of obtaining or distributing the same. In making the said investigation he may compel the attendance of witnesses and the production of documents, and may examine the books and papers of individuals, firms, associations and corporations producing or dealing in food or other necessities of life, and he may compel the co-operation of all officers, boards, commissions and departments of the commonwealth having information that may assist him in making the said investigation.

SECTION 24. A. The state board of labor and industries shall immediately upon the passage of this act appoint a committee of five persons, none of whom shall be members of said board who shall be approved by the governor; of whom one shall be the commissioner of labor, who shall be chairman, two shall be representatives of employers of labor, and two shall be representatives of wage earners; to which committee all petitions, applications and matters arising under this section shall be forthwith referred. The commissioner of labor shall serve thereon without additional compensation and the other members shall receive such compensation and allowances for expenses as the governor with the consent of the council may determine. Such committee shall be given whatever name the state board of labor and industries may select. Any action taken and all permits granted by said committee shall have the same effect as though taken or granted by said board, which may at any time revoke the authority of said committee, remove any of its members except the commissioner of labor, and may fill any vacancies in said committee, and in the temporary absence of any member thereof, the committee or the commissioner of labor may fill such vacancy temporarily.

B. Any employer of labor may make application to the state board of labor and industries or to the committee created by clause A of this section, setting forth that a law or laws of the commonwealth licensing or regulating labor, or the employment of labor, or any law or laws of the commonwealth in any manner affecting conditions of labor, interfere with the prosecu-

tion of work which said employer is doing or is about to do, which work is required by an emergency arising out of the existing state of war, and asking that a permit be granted to him suspending the operation of such law or laws, or any part thereof, as applicable to his work or establishment. The committee shall convene and give a hearing upon such application as soon after its receipt as possible, and if in its opinion such emergency exists, it may grant to the applicant such a permit. The permit shall contain such limitations and restrictions as the committee may deem proper to impose, in respect to the length of time during which, and the particular work or establishment in connection with which, such permit shall be effective. The permit shall be revocable at any time by the aforesaid committee and shall in any event become void sixty days after the termination of the existing state of war. The operation of any law or laws or parts thereof, shall be suspended only to the extent provided for in such permit.

C. At the hearing the committee shall permit the attendance of representatives of the interested parties and of such other persons as it may deem proper, and shall give notice of the hearing to the interested parties and to such others, as it may determine.

D. Whenever it appears or is represented to the commissioner of labor that a situation exists which requires immediate action or decision before said committee can be called together, he is hereby authorized to grant such permit or take such action as he deems proper, which action so taken or permit so granted by him shall remain in force and effect only until the committee can assemble and give the hearing as heretofore provided and render its decision: *provided*, that in no case shall said temporary action taken or permit granted by the commissioner of labor be valid for a longer period than seventy-two hours.

E. The entire office force and office equipment of the state board of labor and industries shall be at the disposal of the said committee and shall be subject to its orders in any matters arising under this section; and the advice, assistance, and cooperation of any other department, board or commission of the commonwealth shall, upon request, be immediately extended to said committee.

SECTION 25. The governor, with the advice and consent of the council, shall have power by proclamation to prohibit or regulate the use of fireworks and firecrackers throughout the commonwealth at such times as he may deem the public interest may require. Such prohibition or regulation shall continue until revoked by the governor. Subject to such prohibition or regulation as may be proclaimed by the governor, the authority of cities, towns and officials under existing law to prohibit or regulate the use of fireworks and firecrackers shall not be abridged or affected by the provisions of this section.

SECTION 26. If any part, sub-division or section of this act shall be declared unconstitutional the validity of the remaining parts of this act shall not be affected thereby.

SECTION 27. For the purpose of carrying out the provisions of this act, the governor, with the advice and consent of the council, is authorized to use any funds appropriated by chapter two hundred and two of the Special Acts of the year nineteen hundred and seventeen, and any other funds made available for this purpose.

SECTION 28. The provisions of this act and the powers granted hereunder shall take effect and be exercised only in so far as they do not contravene any law of the United States or the exercise of any lawful power by the president.

SECTION 29. This act shall take effect upon its passage, and may be cited as the Commonwealth Defence Act of 1917. [*Approved May 26, 1917.*]

II. ORGANIZATION, COMPENSATION AND WELFARE OF THE FORCES OF THE COMMONWEALTH.

1. Increase in District Police.

GENERAL ACTS, CHAPTER 43.

AN ACT TO AUTHORIZE THE GOVERNOR TO INCREASE TEMPORARILY THE FORCE OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

SECTION 1. In order to provide more effectively for the protection of persons and property and for the maintenance of law and order within the commonwealth, the governor is hereby authorized to appoint special police officers in the department of the district police of the commonwealth from time to time to a number not exceeding three hundred, whose appointment shall be temporary and shall not be subject to the provisions of the civil service laws. The said officers shall be appointed for a period of two months, and may be reappointed for successive periods of two months, but not extending beyond the period of a year from the date of the passage of this act.

SECTION 2. The compensation of officers appointed hereunder shall be three dollars and fifty cents per day, and they shall be allowed their necessary travelling expenses incurred in the performance of their duties as approved by the chief of the district police.

SECTION 3. Officers appointed hereunder shall have all the powers of the district police as prescribed in the statutes of the commonwealth. No officer appointed hereunder shall be required to give bond for the faithful performance of his duties. The chief of the district police may make such rules and regulations for the discipline, organization, government and equipment of the officers appointed hereunder as he may deem necessary or proper, including the authority to bear arms.

SECTION 4. The sum of sixty-five thousand dollars is hereby appropriated to be paid out of the treasury of the commonwealth from the ordinary revenue for expenses authorized to be incurred under this act.

SECTION 5. This act shall take effect upon its passage.
[Approved March 2, 1917.]

2. Organization of Home Guard.

GENERAL ACTS, CHAPTER 148.

AN ACT TO PROVIDE FOR THE ORGANIZATION OF A HOME GUARD
IN TIME OF WAR.

Be it enacted, etc., as follows:

SECTION 1. The commander-in-chief may, in time of war, raise by voluntary enlistment and organize a home guard from citizens of the United States, being inhabitants of this commonwealth, who are over thirty-five years of age, or married men under thirty-five years of age with dependents, or those physically disqualified from service in the national guard.

SECTION 2. The home guard may be of such numerical strength, and shall be so organized, maintained, officered, armed and equipped, and enlisted for, or disbanded from, such service within the commonwealth at any time and on such terms as the commander-in-chief may from time to time by executive order determine. When called for service the home guard shall perform such duties as shall be prescribed by order of the commander-in-chief, and all members of the home guard shall have and exercise throughout the commonwealth all the powers of constables, police officers and watchmen, except the service of civil process. The compensation of officers and men of the home guard, when called by executive order for service and while on such service, shall be fixed by the commander-in-chief, and shall in no event exceed the compensation of officers and men of the national guard of like grade.

SECTION 3. The commander-in-chief may appoint provisional officers for such units and organizations of the home guard as he may establish, and such officers shall, subject to removal by the commander-in-chief and until their successors are elected or appointed, as provided by the constitution and statutes of the commonwealth, exercise the same military authority over their several commands as specified by the statutes of Massachusetts for duly chosen officers of organized militia of the commonwealth. The same powers shall vest in any and all officers elected as above provided.

SECTION 4. The provisions of section one hundred and

seventy of chapter six hundred and four of the acts of the year nineteen hundred and eight, and the amendments thereof, shall not apply to the home guard.

SECTION 5. All provisions of law relative to the compensation of members of the militia injured in the discharge of their duty shall apply to members of the home guard.

SECTION 6. For the purpose of carrying out the provisions of this act the governor is authorized to expend the sum of two hundred thousand dollars, to be taken from the sum of one million dollars appropriated by chapter two hundred and two of the Special Acts of the year nineteen hundred and seventeen.

SECTION 7. This act shall take effect upon its passage.
[Approved April 5, 1917.]

NOTE. — For military status of Home Guard, see "Commonwealth Defence Act," section 10, page 16.

For appropriation for Home Guard, see General Acts, chapter 331, page 44.

3. Aid for Dependent Relatives of Soldiers and Sailors.

GENERAL ACTS, CHAPTER 179.

AN ACT TO PROVIDE AID FOR CERTAIN DEPENDENT RELATIVES
OF SOLDIERS AND SAILORS OF THE COMMONWEALTH IN THE
FEDERAL SERVICE.

Be it enacted, etc., as follows:

SECTION 1. Any city or town may raise money by taxation or otherwise, and, if necessary, expend the same by the officers authorized by law to furnish state and military aid, for the benefit of the wife, widow, children under sixteen years of age, or any child dependent by reason of physical or mental incapacity, or the actually dependent parents, brothers and sisters, of any inhabitant of such city or town, having a residence and actually residing therein, who has enlisted, and responded to the call of the president or war department, or hereafter shall duly be enlisted, and who has been or shall be mustered into the military or naval service of the United States as a part of the quota of this commonwealth which may be called for service in the United States or in any foreign country, up to January fifteenth, nineteen hundred and nine-

teen, unless the said service is sooner terminated, in the same manner and under the same limitations, except as hereinafter provided, as state aid is paid to dependent relatives of soldiers or sailors of the civil war and of the war with Spain.

SECTION 2. Persons who incur disabilities in the said service and who are honorably discharged therefrom shall be eligible to receive state and military aid under the same rules, conditions and limitations as to amount which now govern applicants for aid under chapter five hundred and eighty-seven of the acts of the year nineteen hundred and fourteen.

SECTION 3. Applicants for aid as aforesaid shall, as a basis for the first payment thereof, state in writing, under oath, the name, age and residence of the person for whom aid is sought, the relationship of such person to the soldier or sailor, the company and regiment or branch of the service in which the soldier or sailor is enlisted and in which he last served, the date and place of his enlistment, when known, the duration of his service, and the reason for the application, and shall furnish such official certificate or record, or other evidence of enlistment, service and discharge as may be required.

SECTION 4. The commissioner of state aid and pensions shall furnish, from time to time, to each city and town a sufficient number of blank forms for the use of applicants; shall decide all questions in dispute between applicants and the municipal authorities; shall investigate all payments of aid; shall have power to determine all incidental questions arising in connection therewith; and shall have the custody of the original papers relating to each application.

SECTION 5. Each application shall be forwarded to the commissioner of state aid and pensions by the municipal officers with whom the application is filed, within three days after it is filed, together with a recommendation of the said officers thereon.

SECTION 6. Municipal officers making payments under this act shall make return of the same to the commissioner of state aid and pensions on blank forms furnished by the commissioner, in the manner prescribed by chapter five hundred and eighty-seven of the acts of the year nineteen hundred and fourteen, except that so much of section six of said chapter as relates to

the maximum aid to be allowed shall not apply. The said commissioner shall prescribe rules as to the amount and the disbursement of relief to the dependents of soldiers and sailors during the period when such soldiers and sailors are in the actual service of the United States, and reimbursement shall be made to the city or town from the treasury of the commonwealth for amounts actually expended: *provided*, that in no case shall more than forty dollars be reimbursed on account of the total aid rendered to all dependent relatives of any one soldier or sailor in any one month. All sums expended by cities and towns in excess of the amount so authorized shall be borne by the respective city or town in which the recipient has a legal settlement, in the form of soldiers' relief; but in the case of dependents of a soldier or sailor without legal settlement, the amount expended by cities and towns in excess of the limit prescribed, after determination by the commissioner of state aid and pensions as to how much relief is necessary to afford reasonable support, shall be reimbursed by the commonwealth. Payment under this act may be made from the date of entry into the service of the federal government.

SECTION 7. Cities and towns, to meet liabilities incurred under the provisions of this act, are hereby authorized to borrow in excess of the statutory limit, for a period not exceeding one year, such sums as may be required, and to issue notes therefor to be payable in not more than one year from the date of issue.

SECTION 8. The provisions of this act shall not apply to any inhabitant of this commonwealth who has enlisted, or who may hereafter enlist, in the corps of other states or territories.

SECTION 9. This act shall take effect upon its passage.
[Approved April 16, 1917.]

NOTE. — For date defining when war began for the purpose of this act, see General Acts, chapter 332, page 33.

4. Use of Recruiting Button.

GENERAL ACTS, CHAPTER 197.

AN ACT TO EXTEND THE SANCTION OF THE COMMONWEALTH TO THE RECRUITING BUTTON AND TO REGULATE ITS USE.

Be it enacted, etc., as follows:

SECTION 1. The so-called "Recruiting Button" which is issued from the chief quartermaster's office shall bear the seal of the commonwealth, and shall have inscribed thereon the words "1917 Willing and Ready", a facsimile of which shall be retained in the said office. The said button may lawfully be worn by any member of the national guard of Massachusetts, or by any person who has presented himself to the proper officials, and has duly been approved and enrolled as a recruit for active service in the military forces of the United States or the commonwealth of Massachusetts.

SECTION 2. The wearing of the said button by any person other than those described in the preceding section shall be unlawful, and shall be punished by a fine of not less than five, nor more than fifty, dollars for each offence. [*Approved April 23, 1917.*]

5. State Pay for Soldiers and Sailors in United States Service.

GENERAL ACTS, CHAPTER 211.

AN ACT TO PROVIDE STATE PAY FOR SOLDIERS AND SAILORS FROM THIS COMMONWEALTH IN THE VOLUNTEER SERVICE OF THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. There shall be allowed and paid out of the treasury of the commonwealth to each non-commissioned officer, soldier and sailor, who has been, or is hereafter, mustered into the military or naval service of the United States as a part of the quota of this commonwealth for service in the United States or in any foreign country, the sum of ten dollars per month. The said amount shall be payable at the office of the treasurer and receiver general immediately upon the termination of the service, and shall date from the muster-in to the United States service of such non-commissioned officer, soldier or sailor,

and shall continue until January fifteenth, nineteen hundred and eighteen, unless the service is sooner terminated. In case of the death of any enlisted man, his widow, minor children, parents or dependents shall receive the said monthly compensation for the period up to January fifteenth, nineteen hundred and eighteen; but no part of this section shall be construed as depriving the soldier or sailor of the right to allot all or any of his said pay to the treasurer of the commonwealth for the use of such minor children, parents or dependents as he shall designate; and such allotments shall be payable monthly by the treasurer, during the term of service of said soldier or sailor, for the use of such minor children, parents or dependents.

SECTION 2. For the purpose of meeting the expenditures authorized by this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue bonds or notes from time to time, as they are needed, to an amount not exceeding one million five hundred thousand dollars, for a term not exceeding five years. Such bonds or notes shall be designated on the face thereof, Massachusetts Military Service Loan, Act of 1917, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the commonwealth; and the principal and interest thereof shall be paid at the times specified on said bonds or notes in gold coin of the United States, or its equivalent. Said bonds or notes shall be disposed of in such manner as shall be deemed best by the treasurer and receiver general, who shall, when issuing any of said bonds or notes, provide for the payment of the same in the manner prescribed by chapter three of the acts of the year nineteen hundred and twelve, and the amount necessary to pay the principal of said loan as it matures, and the interest as it accrues, shall be raised by taxation from year to year.

SECTION 3. In case of dishonorable discharge, or termination of service by reason of desertion or misdemeanor of any enlisted man, the period of payment under this act shall be from the date of muster-in until the date of the dishonorable termination of service.

SECTION 4. The adjutant general shall certify to the treasurer and receiver general the date of muster-in and the date of

termination of service of all enlisted men entitled to payments, and any other information necessary to carry out the provisions of this act.

SECTION 5. This act shall take effect upon its passage.
[*Approved May 2, 1917.*]

NOTE. — For date defining when war began for the purpose of this act, see General Acts, chapter 332, page 33.

6. Books for Soldiers and Sailors.

GENERAL ACTS, CHAPTER 239.

AN ACT TO AUTHORIZE THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS TO SUPPLY BOOKS TO SOLDIERS AND SAILORS.

Be it enacted, etc., as follows:

SECTION 1. The board of free public library commissioners is hereby authorized to expend, from the amount of the annual appropriation for its use, a sum not exceeding one thousand dollars during the year nineteen hundred and seventeen, and the same sum annually during the continuance of the present war, in supplying books for the use of members of the United States army or navy, or of the national or home guard who may be stationed within the commonwealth. The board may place the books so supplied in the custody of any military officer or other person, or of any corporation; and may make such other arrangements for the distribution and collection of the books as it may deem proper.

SECTION 2. This act shall take effect upon its passage.
[*Approved May 12, 1917.*]

7. Compensation for Municipal Employees in United States Service.

GENERAL ACTS, CHAPTER 254.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO PAY TO THEIR EMPLOYEES WHO ENLIST IN THE SERVICE OF THE UNITED STATES THE DIFFERENCE BETWEEN THEIR MILITARY AND THEIR MUNICIPAL COMPENSATION.

Be it enacted, etc., as follows:

SECTION 1. Cities and towns are hereby authorized to pay to employees leaving their service between March twenty-fifth, nineteen hundred and seventeen, and the close of the war, as determined by the United States government, for the purpose of entering the military or naval service of the United States, an amount equal to the difference between the compensation which such employees were receiving at the time of leaving such service and the pay which they receive while in said military or naval service under the acts of congress and of this commonwealth, including aid to their dependents. The payments herein provided for shall date from the time when the employee leaves the service of the city or town. Payments hereunder shall continue to be made for six months after the close of the war as determined aforesaid unless the recipient is sooner discharged.

SECTION 2. This act shall take effect in cities upon its acceptance by the mayor and city council, or by the commission in cities where there is a commission form of government, and in towns upon its acceptance by the voters of the town at any regular or special town meeting. [*Approved May 14, 1917.*]

8. Use of Firearms in Military Training.

GENERAL ACTS, CHAPTER 300.

AN ACT TO AUTHORIZE CERTAIN ORGANIZATIONS TO DRILL AND PARADE WITH FIREARMS.

Be it enacted, etc., as follows:

SECTION 1. The adjutant general, with the approval of the governor, may prescribe rules and regulations under which any body of citizens of the commonwealth, organized as an associa-

tion, club or training school for the purpose of acquiring military knowledge, discipline and training, may drill or parade with firearms: *provided*, that written consent is first obtained from the adjutant general, and that the body organized as aforesaid shall adopt such uniform, equipment and insignia of rank as he shall prescribe. He may authorize the use by any such body of any state armory for drill or training; *provided*, that such use shall not interfere with the occupation and use of the armory by the national guard. The governor may, at any time, disband any such body. This act shall be operative only during such time as the United States may be in a state of actual warfare.

SECTION 2. This act shall take effect upon its passage.
[Approved May 25, 1917.]

9. Compensation for State Employees in United States Service.

GENERAL ACTS, CHAPTER 301.

AN ACT RELATIVE TO THE COMPENSATION OF EMPLOYEES OF THE COMMONWEALTH IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES DURING THE PRESENT WAR.

Be it enacted, etc., as follows:

SECTION 1. There shall be allowed and paid, out of the treasury of the commonwealth, to every employee of the commonwealth who has been or is hereafter mustered into the military or naval service of the United States during the present war, an amount equal to the difference between the compensation received by him from the United States, plus the compensation received as extra military pay, received from the commonwealth, and the amount which he was receiving from the commonwealth at the time when he was mustered in. The said payments shall continue so long as he continues in the military or naval service of the United States, but shall cease one month after the termination of the war. In case of his death in the said service his widow, minor children, parents or dependents shall receive the said sum until the termination of the war.

SECTION 2. The said sums shall be payable monthly by checks signed by the treasurer and receiver general, which

shall be sent to the person to whose order they are drawn, or to his wife, parent or child, or to any other person designated by the beneficiary by a writing filed with the treasurer and receiver general, or sent to him by mail.

SECTION 3. This act shall take effect upon its passage.
[Approved May 25, 1917.]

10. Soldiers and Sailors entitled to State Pay from February 3, 1917.

GENERAL ACTS, CHAPTER 332.

AN ACT RELATIVE TO STATE PAY AND OTHER BENEFITS FOR
CERTAIN SOLDIERS AND SAILORS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of authorizing state pay for soldiers and sailors in the federal service as provided by chapter two hundred and eleven of the General Acts of the year nineteen hundred and seventeen, and aid for their dependents under the provisions of chapter one hundred and seventy-nine of the General Acts of the year nineteen hundred and seventeen, the war with the German Empire is defined as having begun February third, nineteen hundred and seventeen, and any non-commissioned officer or enlisted man having a residence of at least six months within this state and serving to the credit of this commonwealth in the regular or volunteer forces of the United States army, navy or marine corps, whose federal service began subsequent to said February third, nineteen hundred and seventeen, is eligible under the provisions of the above acts.

SECTION 2. This act shall take effect upon its passage.
[Approved May 25, 1917.]

NOTE. — For provisions concerning affidavits and acknowledgments by soldiers and sailors, and suits by or against them, see "The Commonwealth Defence Act", sections 13-20, pages 17-19.

III. PRODUCTION AND CONSERVATION OF FOOD AND OTHER SUPPLIES.

1. Agricultural Work on the Lord's Day legalized.

GENERAL ACTS, CHAPTER 207.

AN ACT RELATIVE TO THE OBSERVANCE OF THE LORD'S DAY.

Be it enacted, etc., as follows:

SECTION 1. The cultivation of land, and the raising, harvesting, conserving and transporting of agricultural products on the Lord's day shall not be unlawful, during the existence of war, and until the first day of January following the termination thereof, between the United States and any other nation.

SECTION 2. This act shall take effect upon its passage.
[Approved April 27, 1917.]

2. Expenditures by Municipalities to aid in raising Food Products, etc.

GENERAL ACTS, CHAPTER 264.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO MAKE CERTAIN EMERGENCY APPROPRIATIONS IN TIME OF WAR.

Be it enacted, etc., as follows:

SECTION 1. Cities and towns are hereby authorized, during the continuance of the existing state of war between the United States and any foreign country, to appropriate such sums of money as they may deem necessary to conserve health and to protect persons and property; to establish, maintain, and equip training fields; to purchase military equipment and supplies; and for the purpose of conserving the food supply, to do such things as they may deem necessary to assist in the raising and distribution of food products. The expenditure of all money appropriated under authority of this act shall, in cities, be under the direction of the mayor and city council or commission, and in towns, of the selectmen, or of committees appointed by the mayor with the approval of the council or commission in cities, and by the selectmen in towns. A report in detail of all such expenditures shall be made and included in the annual report of the proper financial officers of the city or town.

SECTION 2. For the purpose of meeting expenditures herein authorized, a city or town may raise such sums as may be necessary by taxation or may incur debt and issue bonds or notes therefor for a period not exceeding five years. All debts incurred under authority of this act shall be payable in accordance with the provisions of section fourteen of chapter seven hundred and nineteen of the acts of the year nineteen hundred and thirteen, and amendments thereof.

SECTION 3. If a city or town, acting under the authority herein granted, shall plough or harrow or furnish other aid in the cultivation of private land situated in such city or town upon application of the owner of such land and for his benefit, the cost of such work shall be paid by the owner and bills shall be rendered to the owner therefor, and if not paid on or before the first day of April of any year, the amount so due and unpaid may be assessed on the land upon which the work was done, and shall be a lien on the said land enforceable in the same manner and with the same effect as is provided in the case of assessments for the suppression of the gypsy and brown tail moth.

SECTION 4. This act shall take effect upon its passage, and shall, except as herein otherwise expressly provided, cease to operate on the termination of the said state of war. [*Approved May 17, 1917.*]

3. Investigations of Unlawful Combinations by Attorney-General.

GENERAL ACTS, CHAPTER 318.

AN ACT TO PROVIDE FOR THE COMPULSORY ATTENDANCE AND TESTIMONY OF WITNESSES IN CERTAIN INVESTIGATIONS HELD BY THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

SECTION 1. If it appears to the attorney-general that there is cause to investigate any alleged violation of law by reason of monopolies, unlawful discriminations or combinations, or other unlawful practices in restraint of trade, he may require by summons the attendance and testimony of witnesses and the production of books and papers before him relating to any such

matter under investigation. Such summonses may be issued by the attorney-general or by any of his assistants. They shall be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth, and all provisions of law relative to summonses issued in such cases shall apply to summonses issued under this act, so far as they are applicable. Such witnesses shall, before testifying, be sworn by the attorney-general or by an assistant designated by him.

SECTION 2. Any justice of the supreme judicial court or of the superior court may, upon application of the attorney-general, compel the attendance of witnesses and the giving of testimony before the attorney-general in the same manner and to the same extent as before said courts.

SECTION 3. The provisions of this act shall be and continue in force only so long as the present state of war exists. [*Approved May 25, 1917.*]

•NOTE. — For other provisions relating to food products, see “The Commonwealth Defence Act”, sections 6–9, pages 15, 16; and section 23, page 19.

IV. WAR INSURANCE.

1. Rates of Insurance for Soldiers and Sailors.

GENERAL ACTS, CHAPTER 210.

AN ACT RELATING TO THE EXTRA CHARGE THAT MAY BE MADE BY LIFE INSURANCE COMPANIES IN CASE THE INSURED ENTERS MILITARY OR NAVAL SERVICE IN TIME OF WAR.

Be it enacted, etc., as follows:

The first paragraph of section sixty-six of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven is hereby amended by adding at the end thereof the following: — Nothing herein relating to the consideration for the policy shall apply to any extra compensation which may be charged by a company to the insured for engaging in military or naval service in time of war, — so that said first paragraph will read as follows: — *Section 66.* All corporations, associations, partnerships or individuals doing business in this commonwealth under any charter, compact, agreement or statute of this or any other state, involving the payment of money or

other thing of value to families or representatives of policy and certificate holders or members, conditioned upon the continuance or cessation of human life, or involving an insurance, guaranty, contract or pledge for the payment of endowments or annuities, shall be deemed to be life insurance companies, and shall not make any such insurance, guaranty, contract or pledge in this commonwealth, or to or with any citizen or resident thereof, which does not distinctly state the amount of benefits payable, the manner of payment and the consideration therefor, nor any such insurance, guaranty, contract or pledge, the performance of which is contingent upon the payment of assessments made upon survivors. Nothing herein relating to the consideration for the policy shall apply to any extra compensation which may be charged by a company to the insured for engaging in military or naval service in time of war. [*Approved May 1, 1917.*]

2. Insurance of Property against War Risks.

GENERAL ACTS, CHAPTER 238.

AN ACT TO EXTEND THE POWERS OF FIRE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. The first clause of section thirty-two of chapter five hundred and seventy-six of the acts of the year nineteen hundred and seven, as amended by chapter five hundred and nine of the acts of the year nineteen hundred and eight, by chapter four hundred and ninety-nine of the acts of the year nineteen hundred and ten, and by chapter one hundred and seventy-four of the acts of the year nineteen hundred and thirteen, is hereby further amended by inserting after the word "land", in the sixth line, the word:— earthquake, — and by inserting after the word "bombardment", in the same line, the words:— invasion, foreign enemies, insurrection, riot, civil war or commotion, military or usurped power, — so that said clause as amended will read as follows:—

First, To insure upon the stock or mutual plan against loss or damage to property and loss of use and occupancy by fire; explosion, fire ensuing; explosion, no fire ensuing, except ex-

plosion of steam boilers and fly-wheels; lightning, hail or tempest on land; earthquake; bombardment; invasion, foreign enemies, insurrection, riot, civil war or commotion, military or usurped power; a rising of the waters of the ocean or its tributaries, or by any two or more of said causes.

SECTION 2. A company insuring property in this commonwealth against loss or damage from explosion, except explosion of steam boilers and fly-wheels; bombardment; invasion, foreign enemies, insurrection, riot, civil war or commotion, military or usurped power, or any one or more of them, shall file with the insurance commissioner the forms of the policies or riders employed in such insurance in this commonwealth.

SECTION 3. This act shall take effect upon its passage.
[Approved May 11, 1917.]

V. THE FLAG.

1. Publication of Information concerning the Flag.

GENERAL ACTS, CHAPTER 181.

AN ACT AUTHORIZING THE PUBLICATION OF INFORMATION CONCERNING THE NATIONAL FLAG, THE FLAG OF THE COMMONWEALTH AND SIMILAR MATTERS.

Be it enacted, etc., as follows:

SECTION 1. The secretary of the commonwealth is hereby authorized to publish in pamphlet form information concerning the national flag, its history and anniversaries, a calendar of American history, the seal, coat-of-arms and flag of the commonwealth, the statutes of the commonwealth and of the United States relating to the national flag and the state flag, and such other material likely to promote patriotism as he may deem advisable. Ten thousand copies shall be printed and such further editions as may become necessary: *provided, however*, that the whole amount expended for this purpose in the year nineteen hundred and seventeen shall not exceed one thousand dollars. The governor, lieutenant governor, councillors, senators and representatives shall be entitled to receive ten copies each, the remainder to be distributed to the public in the discretion of the secretary.

SECTION 2. This act shall take effect upon its passage.
[Approved April 16, 1917.]

2. Penalties for Misuse of the Flag.

GENERAL ACTS, CHAPTER 265.

AN ACT RELATIVE TO THE PENALTY FOR MISUSE OF THE FLAG
OF THE UNITED STATES AND OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Section five of chapter two hundred and six of the Revised Laws, as amended by chapter four hundred and sixty-four and section one of chapter six hundred and four of the acts of the year nineteen hundred and thirteen, and by chapter five hundred and seventy of the acts of the year nineteen hundred and fourteen, is hereby further amended by inserting after the word "dollars", in the fourteenth line, the words: —, or by imprisonment for not more than one year, or by both such fine and imprisonment, — so as to read as follows: — *Section 5.* Whoever publicly mutilates, tramples upon, defaces or treats contemptuously the flag of the United States or of Massachusetts, whether such flag is public or private property, or whoever displays such flag or any representation thereof upon which are words, figures, advertisements or designs, or who shall in this commonwealth expose to public view, manufacture, sell, expose for sale, give away or have in possession for sale or to give away or for use for any purpose, any article or substance, being an article of merchandise or a receptacle of merchandise or articles upon which shall be attached through a wrapping or otherwise, engraved or printed in any manner, a representation of the United States flag, shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment; but a flag which belongs to a grand army post, to a camp of the legion of Spanish war veterans or which is the property of or is used in the service of the United States or of this commonwealth may have the names of battles and the name and number of the organization to which such flag belongs inscribed thereon. Words, figures, advertisements or designs attached to, or directly or indirectly connected with, the flag or any representation thereof in such manner that the flag or its representation is used to attract attention to or advertise such

words, figures, advertisements or designs; shall for the purposes of this act be deemed to be upon the flag. Trial justices shall have jurisdiction of violations of the provisions of this section. [Approved May 18, 1917.]

3. Use of the Flag.

GENERAL ACTS, CHAPTER 289.

AN ACT RELATIVE TO THE USE OF THE FLAG OF THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter two hundred and six of the Revised Laws, as amended by chapters four hundred and sixty-four and six hundred and four of the acts of the year nineteen hundred and thirteen, by chapter five hundred and seventy of the acts of the year nineteen hundred and fourteen, and by chapter two hundred and sixty-five of the General Acts of the year nineteen hundred and seventeen, shall not be construed to apply to any newspaper, periodical, book, pamphlet, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on which is printed, painted, or placed the flag of the United States of America not connected with any advertisement, and not used for advertising purposes.

SECTION 2. This act shall take effect upon its passage. [Approved May 24, 1917.]

4. "The Star Spangled Banner."

GENERAL ACTS, CHAPTER 311.

AN ACT RELATIVE TO THE MANNER OF RENDERING THE "STAR SPANGLED BANNER."

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful in this commonwealth to play, sing or render the "Star Spangled Banner" in any public place, theatre, motion-picture hall, restaurant or cafe, or at any public entertainment, other than as a whole and separate composition or number, without embellishment or addition in the way of national or other melodies, or to play, sing or render the

"Star Spangled Banner", or any part thereof as dance music, as an exit march or as part of a medley of any kind.

SECTION 2. Any violation of this act shall be punished by a fine of not more than one hundred dollars. [*Approved May 25, 1917.*]

VI. FEDERAL RELATIONS.

1. Exemption of United States Bonds from Taxation.

GENERAL ACTS, CHAPTER 257.

AN ACT TO EXEMPT FROM TAXATION SAVINGS DEPOSITS WHEN INVESTED IN BONDS OR CERTIFICATES OF INDEBTEDNESS OF THE UNITED STATES.

Be it enacted, etc., as follows:

SECTION 1. Deposits in savings banks, including such savings banks as are called institutions for savings, deposits in the savings departments of trust companies, and also deposits in the Massachusetts Hospital Life Insurance Company, shall be exempt from taxation when invested in bonds or certificates of indebtedness of the United States of America.

SECTION 2. This act shall take effect upon its passage. [*Approved May 16, 1917.*]

NOTE. — Funds of other corporations and individuals so invested were previously exempt from taxation.

2. Cession of Little Hog and Calf Islands.

GENERAL ACTS, CHAPTER 308.

AN ACT GRANTING THE CONSENT OF THE COMMONWEALTH TO THE ACQUISITION BY THE UNITED STATES OF LITTLE HOG AND CALF ISLANDS IN BOSTON HARBOR.

Be it enacted, etc., as follows:

SECTION 1. The consent of the commonwealth of Massachusetts is hereby granted to the United States of America to acquire by purchase or condemnation Little Hog and Calf islands in Boston harbor, the same to be used for the purposes of national defense.

SECTION 2. Jurisdiction over the said islands is hereby granted and ceded to the United States, but upon the express condition that this commonwealth shall retain a concurrent

jurisdiction with the United States, in and over the islands so acquired, in so far that all civil processes, and such criminal processes as may issue under the authority of this commonwealth against any person or persons charged with crimes committed without the said islands, may be executed thereon in the same manner as though this consent and cession had not been granted. [*Approved May 25, 1917.*]

NOTE. — For authority given the Governor to co-operate with the Federal authorities, and with Governors of other States, see "The Commonwealth Defence Act," section 11, page 17.

VII. FINANCIAL MEASURES.

1. First \$1,000,000 Appropriation.

SPECIAL ACTS, CHAPTER 202.

AN ACT MAKING AN APPROPRIATION TO DEFRAY CERTAIN MILITARY, NAVAL AND OTHER EMERGENCY EXPENSES.

Be it enacted, etc., as follows:

SECTION 1. The sum of one million dollars is hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, to be expended under the direction of the governor as commander-in-chief, subject to the approval of the council, in defraying the military, naval, and other expenses which the emergency arising out of existing conditions, and the exigencies of possible war, may in his judgment render requisite and proper.

SECTION 2. This act shall take effect upon its passage. [*Approved March 19, 1917.*]

2. Entertainment of French Mission.

RESOLVES, CHAPTER 86.

RESOLVE PROVIDING FOR THE ENTERTAINMENT OF THE FRENCH MISSION TO THE UNITED STATES.

* *Resolved*, That there be allowed and paid out of the treasury of the commonwealth a sum not exceeding seven thousand dollars, to be expended by the governor for the proper entertainment of the French Mission to the United States which will

visit Boston some time during the present week, and for the expenses of such companies of the national guard as the governor may deem proper to call out for parade during their visit. [*Approved May 10, 1917.*]

3. Payment of Certain Emergency Expenses.

RESOLVES, CHAPTER 101.

RESOLVE PROVIDING FOR THE PAYMENT OF CERTAIN EMERGENCY EXPENSES IN PREPARING FOR THE EXIGENCIES OF ANTICIPATED WAR.

Resolved, That certain expenses, to an amount not exceeding six thousand dollars, incurred prior to March nineteenth, nineteen hundred and seventeen, under the direction of the governor as commander-in-chief, in preparation for the exigencies of anticipated war, may, with the approval of the executive council, be paid and charged to the appropriation provided by chapter two hundred and two of the Special Acts of the present year. [*Approved May 16, 1917.*]

4. Second \$1,000,000 Appropriation.

GENERAL ACTS, CHAPTER 324.

AN ACT AUTHORIZING THE GOVERNOR TO INCUR EMERGENCY EXPENSES INCIDENT TO THE EXISTING STATE OF WAR.

Be it enacted, etc., as follows:

SECTION 1. The governor with the consent of the council is hereby authorized to incur expenses not exceeding one million dollars to meet any emergency which may arise during the recess of the general court by reason of the exigencies of the existing state of war.

SECTION 2. For the purpose of defraying the said expenses, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue, in behalf of the commonwealth and under its seal, bonds or certificates of indebtedness, either registered or with interest coupons attached, to an amount not exceeding one million dollars, for a term not exceeding ten years. Such bonds or certificates of indebtedness shall bear interest at a rate not exceeding four and one half per

cent per annum, payable semi-annually. They shall be designated on their face, Massachusetts Emergency War Loan, Act of 1917, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the commonwealth; and the principal and interest thereof shall be paid at the time specified therein, in gold coin of the United States or its equivalent. The said bonds or certificates of indebtedness shall be issued upon the serial payment plan, in accordance with the provisions of chapter three of the acts of the year nineteen hundred and twelve.

SECTION 3. This act shall take effect upon its passage.
[Approved May 25, 1917.]

5. Appropriation for State Guard.

GENERAL ACTS, CHAPTER 331.

AN ACT TO PROVIDE FOR EXPENSES OF THE STATE GUARD, SO-CALLED.

Be it enacted, etc., as follows:

SECTION 1. The governor as commander-in-chief is hereby authorized to incur expenses, not exceeding two hundred and fifty thousand dollars for the maintenance of the state guard, so-called, when said guard is called for active duty.

SECTION 2. For the purpose of defraying the expenses which may be incurred in carrying out the provisions of this act, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue, in behalf of the commonwealth and under its seal, bonds or certificates of indebtedness, either registered or with interest coupons attached, to an amount not exceeding two hundred and fifty thousand dollars, for a term not exceeding ten years. Such bonds or certificates of indebtedness shall bear interest at a rate not exceeding four and one half per cent per annum, payable semi-annually. They shall be designated on their face Massachusetts Emergency War Loan, Act of 1917, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the commonwealth; and the principal and interest thereof shall be paid at the time specified therein, in gold coin of the United States or its equivalent. The said bonds or

certificates of indebtedness shall be issued upon the serial payment plan, in accordance with the provisions of chapter three of the acts of the year nineteen hundred and twelve.

SECTION 3. This act shall take effect upon its passage.
[Approved May 25, 1917.]

NOTE. — The "State Guard" referred to in this act is the same body authorized by General Acts, chapter 148, page 24, and there called the "Home Guard." The reason for the apparent discrepancy in titles is that, subsequent to the passage of chapter 148, there sprang up all over the State companies of men who were able and willing to organize for military service in the locality of their residence, but who, for various reasons, could not subject themselves to be sent anywhere in the State; and whose commissions and authority were therefore local and municipal only. Such organizations soon came to be known as the "Home Guard," and volunteers who were willing to serve anywhere within the State limits were called the "State Guard," in contra-distinction.

6. Appropriation for Expenses Incident to the Establishment of Military Camps.

SPECIAL ACTS, CHAPTER 369.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES INCIDENT TO THE MOBILIZATION OF TROOPS IN CAMPS WITHIN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are hereby appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the following purposes:

For the protection of health, and the prevention of the spread of disease caused by the mobilization of troops in military camps, a sum not exceeding twenty thousand dollars, to be expended by the commissioner of health, with the approval of the governor and council.

For the services and expenses of temporary detectives and police to be appointed by the governor and to act in conjunction with agents of the United States government in this commonwealth in preventing the evils incident to the mobilization of troops in military camps, a sum not exceeding ten thousand dollars, to be expended by the governor with the advice and consent of the council.

SECTION 2. This act shall take effect upon its passage.
[*Approved May 25, 1917.*]

NOTE. — The immediate occasion for the passage of this act, which was recommended by the Governor in a special message, was the announcement by the Federal government that it proposed to establish a cantonment for the selective draft army in the town of Ayer.



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